IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8985 of 2005

Between:

M.S. Shanker, S/o. Sangameshwar,
E.No. 96661, R/o. 1-5-28,
Brahamanawada, Sangareddy, Medak District.

..... PETITIONER

AND

The Depot Manager, APSRTC, SANGAREDDY Depot, Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the Respondents herein by issuing a Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned order No. 02/95(10)/96-DM:SRD, dt. nil-1996 as arbitrary, illegal and contrary to law and violation of APSRTC, (CCA) Regulations and also violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to restore all consequential benefits to the petitioner and to pass such other order or orders.

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the admission stage made the following O R D E R:

The petitioner was working as a Conductor in the respondent-Corporation. While so, the respondent-Corporation issued charge sheet alleging cash and ticket irregularities. After receiving explanation of the petitioner, the respondent without conducting any enquiry and without issuing show cause notice passed final orders imposing the punishment of withholding increment for a period of six months with cumulative effect. Aggrieved by the same, the petitioner preferred the present writ petition.

Learned counsel for the petitioner relied on a Judgment of the Supreme Court in **Kulwant Singh Gill v. Sate of Punjab** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without enquiry. The petitioner, therefore, seeks to declare that the order is illegal and it is liable to be set aside.

The petitioner after receiving the adverse orders slept over the matter for a period of 9 years. There are laches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside on account of long lapse of time, but in view of the judgment of the Supreme Court in Kulwant Singh Gill's case (1 supra), I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as withholding increment for a period of six months without cumulative effect. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for increments on notional calculation. No order as to costs.

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(K.C.BHANU,J)

Dt:21st April, 2005

usd

To

1) The Depot Manager, APSRTC, SANGAREDDY Depot, Medak District.

2) 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*